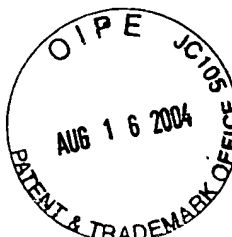



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/767,843	01/29/2004	James A. Proctor JR.	2479.2166-000

021005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133



CONFIRMATION NO. 2970

FORMALITIES LETTER



OC000000012953713

Date Mailed: 06/15/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$18** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

08/17/2004 BADRAHA1 00000076 10767643

Total additional fee(s) required for this application is **\$918** for a Large Entity

01 FC:1001	770.00 UP
02 FC:1051	130.00 UP
03 FC:1002	18.00 UP

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **\$18**

- **\$18** for **1** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James A. Proctor, Jr.
Application No.: 10/767,843 Group: 2661
Filed: January 29, 2004 Examiner: Not assigned
Confirmation No.: 2970
For: METHOD FOR COMPENSATING FOR MULTI-PATH OF A
CDMA REVERSE LINK UTILIZING AN ORTHOGONAL
CHANNEL STRUCTURE



CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>Aug. 13, 2004</u>	<u>Elaine Leachy</u>
Date	Signature
<u>Elaine Leachy</u>	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Notice to File Missing Parts dated June 15, 2004, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

- ☐ **EXECUTED DECLARATION FOR PATENT APPLICATION**
(Separate transmittal letter and postcard not required)
- ☒ **PETITION UNDER 37 C.F.R. § 1.47(A) AND TRANSMITTAL OF DECLARATION WITH EXHIBITS A AND B**, petition fee of \$130
- ☐ **POWER OF ATTORNEY DOCUMENT**
☐ Granted by Inventor(s)
☐ Granted by Assignee, including Statement under 37 C.F.R. 3.73(b)
(Separate transmittal letter and postcard not required)
- ☐ **PRELIMINARY AMENDMENT**
(Separate transmittal letter and postcard not required)

☒ **FILING FEE** - with Fee Transmittal for Patent Applications in duplicate

Fee calculations based on:

☒ Claims as originally filed

☐ The Notice to File Missing Parts states an erroneous number of claims.

☐ Claims upon entry of the Preliminary Amendment filed [herewith] [with the application]

(Separate transmittal letter and postcard not required)

☒ **SURCHARGE** - surcharge fee of \$130

(Separate transmittal letter and postcard not required)

☐ **SEQUENCE LISTING** - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

☒ **REPLACEMENT DRAWINGS** - 7 sheets of replacement drawings consisting of Figs. 1 - 7 are enclosed *(Separate transmittal letter and postcard not required)*

☐ A Petition to Accept Color Drawings/Photographs (Fig(s). []) and a Transmittal of Replacement Drawings, with attachments, are enclosed.

(Separate check for fees and postcard required)

☐ **PETITION FOR EXTENSION OF TIME**

☐ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated [] for [] month(s) from [] to []
The appropriate fee of \$[] is included in the enclosed check

☐ A [] month extension of time to respond to the Notice to File Missing Parts dated [] was filed on [] with payment of a \$[] fee

☐ Applicant hereby petitions for an additional [] month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$[] is included in the enclosed check

(Separate Petition for Extension of Time and postcard not required)

☐ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

☐ **STATEMENT CLAIMING SMALL ENTITY STATUS**

☐ Was filed on []

☐ Is enclosed herewith

(Separate transmittal letter and postcard not required)

☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$[] which were paid on [] to be deposited in Deposit Account No. 08-0380

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$1048. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

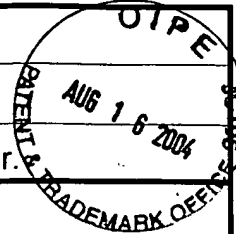
By Mark B Solomon
Mark B. Solomon
Registration No.: 44,348
Tel.: (978) 341-0036
Fax: (978) 341-0136

Concord, Massachusetts 01742-9133

Date: 8/13/04

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

FEE TRANSMITTAL FOR PATENT APPLICATIONS	Attorney Docket Number	2479.2166-000	
	Application Number	10/767,843	
	First Named Inventor	James A. Proctor, Jr.	



CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS <small>(37 CFR 1.16(c) or (j))</small>	21 - 20* =	1	x \$ 18 =	\$ 18
	INDEPENDENT CLAIMS <small>(37 CFR 1.16(b) or (i))</small>	3 - 3** =	0	x \$ 86 =	\$ 0
	MULTIPLE DEPENDENT CLAIMS (if applicable) <small>(37 CFR 1.16(d))</small>			+ \$ 290 =	\$
				BASIC FEE <small>(37 CFR 1.16(a) or (h))</small>	\$ 770
				Total of above Calculations =	\$ 788
	Reduction by 50% for filing by small entity <small>(37 CFR 1.9, 1.27, 1.28)</small> =				\$
	TOTAL =				\$ 788
	Surcharge - Late Filing of Declaration or Filing Fees <small>(37 C.F.R. 1.16(e))</small> =				\$ 130
	Petition for Extension of Time Fee <small>(37 C.F.R. 1.17)</small> =				\$
	Assignment Recordation Fee = <small>(only when filed with application)</small>				\$
	Petition Under 37 CFR §1.47(a)				\$ 130
	TOTAL =				\$ 1048

* Reissue claims in excess of 20 and over original patent
** Reissue independent claims over original patent

1. Small entity status:

a. ☐ A small entity statement is enclosed.

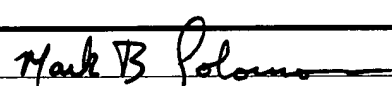
b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.

c. ☐ Is no longer claimed.

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3. ☒ A check is enclosed for \$1048. ☐ Please charge \$[] to Deposit Account No. 08-0380.

4. ☐ Other: _____

Signature		Date	8/13/04
Submitted by Typed or Printed Name	Mark B. Solomon	Reg. Number	44,348

HAMILTON
BROOK
SMITH &
REYNOLDS, P.C.

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530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133
TEL (978) 341-0036
FAX (978) 341-0136
www.hbsr.com

MUNROE H. HAMILTON
(1906-1984)

DAVID E. BROOK
JAMES M. SMITH
LEO R. REYNOLDS
JOHN L. DUPRE
DAVID J. BRODY
MARY LOU WAKIMURA
ALICE O. CARROLL
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TROY T. SVIHL
RALPH TREMENTOZZI
DARRELL L. WONG

OF COUNSEL
ELIZABETH W. MATA

PATENT AGENTS
SUSAN M. ABELLEIRA
ALEXANDER AKHIEZER
KRAIG ANDERSON
JESSE A. PECKER
LUCY LUBASHEV
PAMELA A. TORPEY
KAREN J. TOWNSEND
ROBERT H. UNDERWOOD

TECHNOLOGY SPECIALISTS
KAMILAH ALEXANDER
PAUL G. ALLOWAY
SUSAN C. KELLY
BOOYONG SHIM LIM
VIVIEN J. TANNOC-MAGIN
MICHAEL M. YAMAUCHI

MICHAEL KEWESHAN
ADMINISTRATIVE DIRECTOR

BARBARA J. FORGUE
ADMINISTRATOR OF
PATENT AND
TRADEMARK PRACTICE

Exhibit A



June 16, 2004

James A. Proctor, Jr.
258 Sea View Street
Melbourne Beach, Florida 32951

Re: Title: "Method for Compensating for Multi-Path of a CDMA Reverse
Link Utilizing an Orthogonal Channel Structure"
Your File No.: TAN 02-28
HBSR Docket No.: 2479.2166-000

Dear Mr. Proctor:

Enclosed is a copy of the original patent application as filed in the U.S.
Patent and Trademark Office on January 29, 2004.

Enclosed is a Declaration for Patent Application for the referenced
case.

It is appropriate at this time to confirm that we have designated the
correct inventor in the attached Declaration and that the specification and
claims meet the enablement and best mode requirements under U.S. patent
law.

To assist you in this determination, each inventor should note the
following:

1. Inventorship: Only persons who have
made an inventive contribution to the
conception of at least one of the claims in the
patent application should be listed as an
inventor. Any doubts on this matter should be
resolved with me before proceeding further.
2. Enablement: This requirement imposes
an obligation on the inventor to describe the
invention in sufficient detail to enable a person
skilled in the art to make and use the invention
which is the subject of the patent application
without undue experimentation.

James A. Proctor, Jr.

June 16, 2004

Page 2

3. Best Mode: The "best mode" requirement goes further than the "enablement" requirement by obligating the inventor to include in the patent application a description of the best mode contemplated by the inventor of practicing the invention.

An inventor's failure to comply with the "best mode" or "enablement" requirements may invalidate a patent. In addition, intentional failure to correctly name inventors could result in an invalid or unenforceable patent. If you have any questions or concerns, please call me.

Please note that the Declaration requires that each inventor carefully read the patent application in its entirety before signing it. If the application is acceptable, please sign and date the Declaration in BLUE ink. You should also check to be sure that the typed name, address and citizenship on the Declaration are correct. If they are not, indicate the correct information in BLUE ink, and initial and date each correction in the margin.

If you have any questions or concerns, or feel any changes need to be made in the Declaration, please call me.

Please return **all** pages of these documents as soon as possible for filing in the U.S. Patent and Trademark Office.

Very truly yours,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon
Mark B. Solomon

MBS/ec1

Enclosures

cc: Ms. Kathy Renyo

David J. Thibodeau, Jr., Esq.

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